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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,486	04/12/2006	Hirofumi Moriya	288345US3PCT	3421

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
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3634

NOTIFICATION DATE	DELIVERY MODE
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06/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/575,486	Applicant(s) MORIYA ET AL.	
	Examiner David M. Purol	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 23, 2009 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-16 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

These claims are replete with indefinite language for which its intended meaning is not understood and narrative in form setting forth functional or operational language for which there is insufficient structural recitation to warrant its presence. For example: claim 9, line 6 "via an elongated", line 10 "via a wire", line 11 "being horizontally inserted into", line 12 "via a guide" and "provided in the", line 28 "is passed through"; claim 10, line 4 "via a first" , line 5 "is screwed from", line 7 "penetrating the guide part" and "to be passed through"; claim 11, line 6 "sandwiching the projecting", line 7 "is screwed through"; claim 12, line 3 "is screwed", line 4 "is screwed from an opening side"; claim 13, line 5 "by sandwiching the", lines 6-7 "is screwed through"; claim 14, line 2 "is installed in the frame body", line 3 "formed in the", lines 4-6 "a latched state of the latching mechanism is released by raising an operating member", however, the

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operating member has not been a claimed element; claim 15, line 3 "a defined range in the frame body"; claim 16, lines 3-4 "at a position wherein the latching mechanism is installed", line 6 "slidably inserted into the", line 7 "a receiving hole formed in the"; line 8 "comprises an operating member" which appears to be a double recitation of claim 14 at line 5 which refers to an operating member and as such clarification is required.

The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-371776 in view of JP 3057007 and Hoshiyama (U.S. Patent No. 5,351,737).

JP 2002-371776 discloses a sliding screen door 22 having an end secured to a vertical frame member 21a and the other end attached to an operating doorframe 23, wires 24a-d, a counter weight 26, a spring member 29, and a latch mechanism 27.

While JP 2002-371776 does not disclose the use of a wire adjusting mechanism, JP 3057007 discloses a sliding screen door which employs the use of a wire adjusting mechanism 1,5,7,11,9,3,15, wherein, to incorporate this teaching into the sliding screen

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door of JP 2002-371776 for the purpose of accommodating openings of various widths would have been obvious to one of ordinary skill in the art.

While JP 2002-371776 does not set forth the particular manner in which the screen is secured to the vertical frame member, Hoshiyama discloses a sliding screen door comprising a screen 13 having an endplate 14 detachably mounted to a frame member 3,8, wherein, to incorporate this teaching into the sliding screen door of JP 2002-371776 for its explicit purpose would have been obvious to one of ordinary skill in the art.

4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-371776 in view of JP 3057007 and Hoshiyama (U.S. Patent No. 5,351,737) as applied to claims 9-13 above, and further in view of JP 2002-357068.

While JP 2002-371776 does not disclose the use of a latching mechanism including a receiving hole, JP 2002-357068 discloses a sliding door comprising a latching mechanism including a receiving hole 15,13a, wherein, to incorporate this teaching into the sliding door of JP 2002-371776, as modified by JP 3057007 and Hoshiyama, for its explicit purpose of securing the sliding door would have been obvious to one of ordinary skill in the art.

5. The applicant states that the Office Action has not identified in what way the objected to phrases render the claim scope unclear to one skilled in the art familiar with the present specification and the applicants consider that the meaning of these phrases

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would have been understood by one skilled in the art familiar with the present specification and, in the absence of an explanation of the basis for their alleged lack of clarity, respectfully request that this rejection be withdrawn. This is not convincing for the Office Action clearly states that the exemplified examples are narrative in form setting forth functional or operational language for which there is insufficient structural recitation to warrant its presence and further contain language for which its intended meaning is not understood. In traversing the rejection under 35 U.S.C. 112 the applicant is to address each of the examples of indefiniteness as identified by the Examiner and provide a further explanation for each of the examples clarifying its intended meaning and identifying the structure of which they are intended to encompass. See 37 CFR 1.111.

The applicants argue that the prior art fails to teach the claimed subject matter, particularly the claimed longitudinal sliding groove slidably housing the guide part and the adjusting member "and opening in a direction facing the screen." This is not convincing for Hoshiyama discloses the frame members 3,8 as having longitudinal sliding grooves which open in a direction facing the screen. Note figures 2,8,13 of Hoshiyama which clearly depict such features.

The applicants argue that Hoshiyama discloses a supporting member 14 to which the screen 13 is attached with the supporting member 14 housed in a supporting portion 8 (Fig. 2) and state that this teaching is irrelevant to the claims since the supporting portion 8 does not house a guide part and an adjusting member of a wire adjusting mechanism, nor does the supporting member 14 cover the non-existent guide

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part and adjusting member. This is not convincing for one cannot show non-obviousness by attacking the references individually where as here the rejections are based on a combination of references.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634

/D. M. P./
(571) 272-6833
June 2, 2009